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LAW FIRM-ABOGADOS

Charlie Ezra Carrillo (N.Y.)

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Esther Jane Grenness (M.D.)

March 16, 2022

VIA ECF

The Honorable Paul G. Gardephe
Thurgood Marshall
United States Courthouse
40 Foley Square
New York, NY 10007

Re: ***Choto Pleitez, et al. v. The Republic of El Salvador, et al.***
21-CV-01424 (PGG)
Status Update and Motion to Continue

Dear Judge Gardephe:

The undersigned counsel writes on behalf of the Plaintiffs with a status update and to request a continuance.

The undersigned counsel requests that the Status Conference on March 24, 2022, at 10:00 a.m., be continued. It has been challenging to serve the Defendants, and counsel does not want to take the Court's time at the Status Conference because service has not yet been effectuated. This is the third continuance filed by the Plaintiffs in the above-entitled case.

Our firm retained a local attorney in El Salvador to assist us with the service of process to Defendants. On December 24, 2021, the local attorney received our package with the documents accompanied by apostilles to execute the service of process. At some point, the local attorney received indirect threats that his assistance with the service of the summonses would affect him negatively. Then, on January 13, 2022, the local attorney informed us via email that he would not continue with the service of process because of "the current political climate in El Salvador" and that he could not write a statement confirming the Defendants had

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rejected the summonses. In sum, the local attorney fears for his well-being and is reluctant to put his career “at risk.”

As an alternative, our firm began the process for serving the Defendants according to the *Additional Protocol to the Inter-American Convention on Letters Rogatory*. This week, the necessary forms will be submitted to the Clerk of this Court for signature and seal of the Court for each Defendant.

Once we have all the completed forms, we will send them and the accompanying documents to ABC Legal, which is the company appointed by the U.S. Department of Justice to serve papers on behalf of the United States under the *Additional Protocol*. ABC Legal will serve the service of process documents to the Central Authority for El Salvador, and the documents will then be served according to Salvadoran law. Once served, a form is completed by the receiving country that is then transmitted back to ABC Legal, who then sends it to the firm.

Finally, the Plaintiffs will also formally request the Clerk of Court’s Office to accomplish service overseas of the summons and complaint, pursuant to Rule 4(f)(2)(C)(ii) of the Federal Rules of Civil Procedures (FRCP) and 28 U.S.C. §1608 through diplomatic channels via the U.S. Department of State.

For the above-stated reasons, Plaintiffs’ counsel respectfully requests Your Honor grant this motion and order a continuance for the Status Conference.

Memo Endorsed: The conference scheduled for March 24, 2022 is adjourned to **May 5, 2022 at 11:15 a.m.** in Courtroom 705 of the Thurgood Marshall U.S. Courthouse, 40 Foley Square, New York, New York.

SO ORDERED.



Paul G. Gardephe
United States District Judge
Dated: March 18, 2022

Respectfully submitted,



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Counsel for the Plaintiffs

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